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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/525,230

10/12/2005

Oliver Feilen

21439

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77176

7590

06/13/2008

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EXAMINER

TRAORE, FATOUMATA

ART UNIT

PAPER NUMBER

2136

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/525,230	<b>Applicant(s)</b> FEILEN ET AL.	
	<b>Examiner</b> FATOUMATA TRAORE	<b>Art Unit</b> 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/22/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is in response of the original filing of February 22, 2005. Claims 1-9 are pending and have been considered below.

#### ***Preliminary Amendment***

2. Examiner acknowledges Preliminary amendment for the claims filed February 22, 2005.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Masachika (EP 0 957 016 A1).

***Claims 1 and 5:*** Masachika discloses a device and a process for protecting at least one motor vehicle component against manipulation in a control device(*Abstract*), which comprises at least one microcomputer (*Fig.1, item 14*) and at least one memory module (*paragraph [0035]; Fig. 1, item 12*)said method comprising:

- i. Dividing a code necessary for operation of the control device into at least one master code(*inherent code which equates the invention sub code* )(paragraphs [0040]-[0042]), said master code which comprises

information essential for operation of the control device (*paragraph [0040]-[0041]*), and at least one sub-code, said sub-code which comprises additional information for operation of the control device (sub-key which equates the invention sub code) (*paragraphs [0040]-[0042]*),

ii. Storing at least the master code in the microcomputer (*paragraphs [0036]-[0040]*), and

iii. Causing the master code to monitor manipulation of the sub-code (*paragraphs [0036]-[0040]*)

**Claims 3 and 7:** Masachika discloses a device and a process for protecting at least one motor vehicle component as in claims 1 and 6 above, and further discloses wherein said storing step comprises storing the sub-code in a rewritable area of the microcomputer (*paragraphs [0036]-[0040]*).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyota et al (EP 0 957 016 A1) in view of Hayakashi (6,715,049).

**Claims 2 and 6 :** Masachika discloses a device and a process for protecting at least one motor vehicle component as in claims 1 and 5 above, but does not

explicitly discloses wherein said storing step comprises storing the master code in a read-protected area of the microcomputer, which is writable only once.

However, Hayakashi discloses a microcomputer, which further discloses wherein said storing step comprises storing the master code in a read-protected area of the microcomputer, which is writable only once (*read protected register*)(*column 2, lines 46-50; Fig. 4, item 13*). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Masachika such as to store the code in a read protected area of the microcomputer.. One would have been motivated to do so in order to secure the safety of data in a memory as taught by Hayakashi (*column 1, lines 42-45*).

7. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masachika (EP 0 957 016 A1) in view of Hayashi et al (5,912,512).

**Claims 4 and 8:** Masachika discloses a device and a process for protecting at least one motor vehicle component as in claims 1 and 5 above, but does not explicitly discloses wherein said storing step comprises storing the sub-code in a rewritable area of at least one external memory module. However, Hayashi et al discloses an engine start control device and process , which further discloses wherein said storing step comprises storing the sub-code in a rewritable area of at least one external memory module (*column 11, lines 24-30*). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Masachika such as to store the

code in external memory module. One would have been motivated to do so in order provide security against stealing as taught by Hayashi et al (*column 1, lines 45-50*).

1. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masachika (EP 0 957 016 A1) in view of Hirota et al (6,715,049).

**Claim 9:** Masachika discloses a device for protecting at least one motor vehicle component as in claim 5 above, but does not explicitly disclose wherein at least one part of the sub-code is stored encrypted in a rewritable area and the master code is used to generate a key for decryption. However, Hirota et al discloses a microcomputer, which further discloses wherein at least one part of the sub-code is stored encrypted in a rewritable area and the master code is used to generate a key for decryption ( *column 15, lines 10-45*). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Masachika such to include an authentication unit. One would have been motivated to do so in order to protect the content of the memory device as taught by Hirota et al (*column 1, lines 15-21*).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fatoumata Traore whose telephone number is (571)

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270-1685. The examiner can normally be reached Monday through Thursday from 7:00 a.m. to 4:00 p.m. and every other Friday from 7:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami, can be reached on (571) 272 4195. The fax phone number for Formal or Official faxes to Technology Center 2100 is (571) 273-8300. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 270-2685.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-2100.

FT  
Tuesday, June 10, 2008

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2136